"had no rights which a white man was bound to respect." Amendments look as a rule to action by states. *James* v. *Bowman* (1903), 190 U. S. 127, 23 Sup. Ct. 678. But the 13th Amendment is exceptional in this respect as it includes everybody within the jurisdiction of the national government. *Civil Rights Cases* (1883), 109 U. S. 3; 3 Sup. Ct. 18, 29 L. Ed 835. *United States* v. *Rhodes*, 1 Abbott 28, Fed. Cas. No. 16,151; *United States* v. *Harris*, 106 U. S. 629,640, 1 Sup. Ct. 601, 27 L. Ed 290. The Civil Rights Act was enacted by Congress to protect the negroes in the enjoyment of those rights which are generally conceded to be fundamental and inherent in every freeman.

CORPORATIONS—EXECUTION OF CORPORATE CONVEYANCES.—A mortgage on land is given to plaintiff's assignor, wherein the Albion Agricultural Association is described as the party of the first part, and which concludes as follows: "In witness whereof said party of the first part has hereunto set hand and seal. E. C. L. Pres. (Seal), W. G. S. Sec. (Seal)." The instrument was acknowledged by the subscribers, the president and secretary of the corporation, as the free act and deed of themselves and the association. The defendant is a purchaser of the land on an execution sale, and seeks to prevent a foreclosure, by defeating the mortgage because of insufficient execution. Section 9509 Comp. Laws, 1897, provides, "no estate . . . shall be created . . . unless . . . by a deed or conveyance in writing, subscribed by the party creating . . . or by some person thereunto authorized in writing." *Held*, that the execution of the instrument, as the mortgage of the corporation was sufficient. *Ismon* v. *Loder, et. al.* (1904), — Mich. —, 97 N. W. Rep. 769.

The requirement of a seal has been done away with by statute; but the question remained whether there had been such a subscribing of the mortgage as is required by the statute given above. It was contended that the statute called for the signing of the corporate name, but the court held that the method here used was sufficient to bind the association, citing *Regents* v. *Young Men's Society*, 12 Mich. 138, as furnishing the rule in Michigan. The rule seems to be very general at present that if the instrument is clearly that of the corporation, an execution by the proper officers in their own names may be enough, though not in the best form. *Fond du Lac* v. *Otto's Estate*, 113 Wis. 39; *Haven* v. *Adams*, 4 Allen, 80; *Morris* v. *Keil*, 20 Minn. 531; *Martin* v. *Almond*, 25 Mo. 313. But see *Norris* v. *Dains*, 52 Ohio St. 215. The older cases are more technical and generally hold the other way. *Isham* v. *Iron Co.*, 19 Vt. 230; *Brinley* v. *Mann*, 2 Cush 337; *Elwell* v. *Shaw*, 16 Mass. 42; *Fowler* v. *Shearer*, 17 Mass. 19.

DAMAGES—ASSAULT AND BATTERY—INADEQUACY OF VERDICT.—Defendant assaulted plaintiff and ejected him from a building on which he was working. The jury awarded damages in the sum of ten dollars, which verdict the court set aside as grossly inadequate. The defendant objected to this action of the court, first, on the ground that the damages were not necessarily inadequate because the jury had a right to consider the provocation in mitigation, and second, that in actions of this kind, verdicts cannot be set aside because of inadequacy. *Held*, that the trial court was justified in setting aside the verdict. *Barette* v. *Carr* (1903),—Vt.—, 56 Atl. Rep. 93.

The weight of authority is probably with this case in holding that provocation, not amounting to justification, cannot be considered in order to reduce compensatory damages, but only to affect exemplary damages. *Scott* v. *Fleming*, 16 Ill. App. 539; *Goldsmith's Adm'r* v. *Joy*, 61 Vt.488, 17 Atl. Rep. 1010, 4 L. R. A. 500, 15 Am. St. Rep. 923; *Birchard* v. *Booth*, 4 Wis. 67;

Waters v. *Brown*, 10 Ky. (3 A. K. Marsh) 557; Contra, *Pritchard* v. *Hewitt*, 91 Mo. 547, 45 S. W. Rep. 437; *Bonino* v. *Caledonio*, 144 Mass. 299, 11 N.E. Rep. 98; *Robinson* v. *Rupert*, 23 Pa. St. 523; *Kiff* v. *Youmans*, 86 N. Y. 324. As to the other point made by the defendant, the earlier English and some American cases have made the broad statement that, as a general rule, courts will not set aside verdicts and grant new trials in actions for tort, on account of the smallness of the damages, at least in trespass *vi et armis*. *Mauricet* v. *Brecknock*, 2 Dougl. 509; *Queen* v. *Justices of West Riding*, 1 Q. B. 624; *Hackett* v. *Pratt*, 52 Ill. App. 346; *Colyer* v. *Huff*, 3 Bibb 34; also note to *Benton* v. *Collins*, 47 L. R. A. 39. SEDGWICK MEAS. DAMAGES, Vol. 2, p. 656, says "that in actions of tort, the general rule is that a new trial will not be granted for the smallness of damages. But it seems that if the jury so far disregard the justice of the case as to give no damages at all where some redress is clearly due, the court will interpose." The modern rule, however, seems to be that, while in actions for personal torts and actions sounding purely in damages, it being the peculiar province of the jury in such cases to estimate the injury, courts will refuse to grant new trials for inadequacy of damages, yet relief will be granted where the finding is grossly inadequate and the compensation given entirely disproportionate to the injury proved to have been sustained. *Bishop* v. *Macon*, 7 Ga. 200. 50 Am. Dec. 400; *Lefrois* v. *Monroe County*, 88 Hun 109, 34 N. Y. Supp. 612. Or according to many authorities only, when the verdict clearly makes it evident that the jury acted under some bias, prejudice or improper influence. *McDermott* v. *C. & N. W. R. R. Co.*, 85 Wis. 102, 55 N. W. Rep. 179; *Fawcett* v. *Woods*, 5 Iowa 400; *Reger* v. *Rochester Ry. Co.*, 37 N. Y. Supp. 520; *Brown* v. *Union R. R. Co.*, 51 Mo. App. 192.

DAMAGES—RECOVERY FOR MENTAL ANGUISH CAUSED BY SUFFERING OF ANOTHER.—The plaintiff brings action to recover damages for injuries received through negligence of defendant. The court allowed as one of the elements of damage, the mental anguish suffered by the mother, (the plaintiff), through fear and anxiety for her infant. The defendant excepted to this that the jury should not be allowed to consider and assess damages for the mental sufferings of the plaintiff on account of injuries suffered by another. *Held*, that damages for this mental suffering were properly allowed. *Gosa* v. *Southern Ry. Co.* (1903), — S. C. —, 45 S. E. Rep. 810.

The majority of the court seem to think that evidence of mental suffering through anxiety for another is properly admissible as a reason for increasing the exemplary damages; citing as authority the cases of *Lewis* v. *Tel. Co.*, 57 S. C. 325, 35 S. E. Rep. 556; *Marsh* v. *Tel. Co.*, 65 S. C. 430, 43 S.E. Rep. 953. Neither of these citations, however, brings up the exact point of this case. There is a strong dissenting opinion in the principal case to the effect that as this is not an action for injuries to the child, allegations as to injury and damage to the child are not admissible. The weight of authority seems to be strongly against the majority opinion. Even the Texas court, which has gone as far as any in favoring damages for mental anguish, has said in the case of the *Pullman Car Co.* v. *Trimble*, 28 S W. Rep. 96, that "the plaintiff cannot recover on account of mental anguish in contemplating the suffering of others at the same time." Here the facts were very similar to those in the principal case. To the same effect are *Black* v. *R. R. Co.*, 10 La. Ann. 33, 63 Am. Dec. 587; *Wyman* v. *Leavitt*, 71 Me. 227, 36 Am. Rep. 303; *Keyes* v. *R. R. Co.*, 36 Minn. 290, 30 N. W. 888; *Stone* v. *Evans*, 32 Minn. 243, 20 N. W. 149; *Cowden* v. *Wright*, 24 Wend. 429, 35 Am. Dec 633 and note; *Hyatt* v. *Adams*, 16 Mich. 180. SHEARMAN AND REDFIELD ON